## REMARKS

Claims 1-20 were pending in the application and all were rejected. Claims 1-20 have been canceled. New claims 21 – 32 have been added. No new matter has been introduced. Support for the new claims can be found in Applicant's specification as published in United States Publication No. 2008/0227433, specifically at paragraphs 14, 36, 37, 42, 43, 45, 46, 47, 48, 50, 59; and Figures 5 and 7. The drawing sheets have been amended. The specification has been amended to correct some minor issues. Applicant respectfully requests reconsideration.

## DRAWINGS

The Office Action objected to the drawings because the figures are too dark and difficult to read. Accordingly, Applicant is submitting replacement drawing sheets.

## SPECIFICATION

The Office Action objected to the disclosure because the Abstract contains legalese. The Abstract has been amended.

The Office Action objected to the disclosure because it contains an embedded hyperlink. The disclosure has been amended to remove the portions containing embedded hyperlinks and HTML.

## CLAIM OBJECTION

The Office Action objected to claim 1 as allegedly being too difficult to understand. Claim 1 has been canceled, thus mooting this objection.

## CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claim 1 under 35 USC 112, second paragraph, as being indefinite.

Claim 1 has been canceled, thus mooting the 112 rejection.

## DOUBLE PATENTING

The Office Action provisionally rejected claim 1 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-7 of co-pending Application No. 12/128,055.

Claim 1 has been canceled. New claims 21-32 are substantially different from those of co-pending Application No. 12/128,055; therefore Applicant does not anticipate a double patenting issue with the new claims.

## CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claim 1 under 35 USC 103(a), as being unpatentable over Salmi et al. (US 2001/0040900) in view of Schwartz et al. (US 6473609).

Claims 1-7 have been canceled. Applicant will address the rejections to these claims with reference to new claims 21-32. New claims 21-32 are not unpatentable over Salmi and Schwartz because neither Salmi nor Schwartz teach or suggest a multimedia message device operable for allowing a user to select from among control elements embedded in a received message. This important feature affords a user of the multimedia message device the capability to operate on the received message in different ways according to the selection of control

elements from within the received message, without having to engage with the multimedia server for assistance.

The Office Action at page 6 stated that Salmi disclosed the element of embedded control elements. Applicant disagrees. Salmi's focus is on handling multiple pages of the multimedia message, not operating on the message according to the control elements. Salmi does not teach or suggest the embedding of control elements. Rather, Salmi discusses compilation files for linking to multiple pages. See Salmi at paragraph [0045]: "Thus, the multimedia page is provided with links or references to the next page, the previous page, the beginning, and/or the end. These references are also stored in the compilation files. Thus, when setting up the multimedia message, these references are converted to correspond to the location of the components of the respective page in the message."

Neither Salmi nor Schwartz are able to select from among control elements embedded in a message to operate on that same message. In fact, Salmi teaches away from this key element as shown in paragraph [0053]: "The parameters of the compilation file disclose the presentation parameters of the multimedia message which are compared by the interpretation block IP with the multimedia properties of the multimedia terminal MS to find out if the multimedia message contains such components which cannot be presented in the multimedia terminal MS. In this case, such components can be by-passed." This paragraph shows that Salmi does not disclose receiving embedded control elements; instead Salmi receives the compilation file which outlines the presentation parameters but does not provide for the control elements themselves. Note that Salmi has to rely on whatever control elements are functional on

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the user terminal.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge the one-month petition for extension of time fee under §1.17 to Deposit Account Number 50-4062.

Respectfully submitted,

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